



December 1, 2006

Mr. Horst Greczmiel
Associate Director for NEPA Oversight
NEPA Modernization (CE)
722 Jackson Place N.W.
Washington DC 20503

Re: Comments on the Council on Environmental Quality's National Environmental Policy Act Guidance Document on Categorical Exclusions that was Published in the Federal Register on September 19, 2006

Dear Mr. Greczmiel:

The Oklahoma Independent Petroleum Association (OIPA) is providing this letter to express our concerns regarding the Council on Environmental Quality's (CEQ's) National Environmental Policy Act (NEPA) Guidance Document on Categorical Exclusions (CEs) that was published in the Federal Register on September 19, 2006. The OIPA represents approximately 1600 large and small independent crude oil and natural gas producers. A number of our members conduct business on federal lands and obtain permits from the various federal agencies.

We appreciate the opportunity to provide input into this process; however, we have significant concerns with the proposed guidance document. We urge CEQ to withdraw the proposed guidance and rewrite it to be consistent with the stated purpose, with other relevant U.S. laws and Executive Orders.

We submit the following comments for your consideration.

1. We are very concerned there is no consideration or clarification in the proposed guidance document regarding the CE's provided in Section 390 of the Energy Act of 2005. We think CEQ has overlooked a very important aspect of Congress' intent.
2. We agree that using appropriate categorical exclusions promotes the cost-effective use of agency NEPA related resources, and we appreciate that the purpose of the guidance was to "...eliminate the need for unnecessary paperwork and effort under NEPA for categories of actions that normally do not warrant preparation of an environmental impact statement or environmental assessment (EA)."; however, we think the proposed guidance document will be more burdensome and have a chilling effect on all agency use of any existing or future CE's. For example, the proposed guidance document requires a substantial internal agency process to develop, monitor, and evaluate CE's (including coordination with nonfederal entities in the process) which will take significant time and resources. In addition, it requires any Federal agency obtain written approval from CEQ prior to their establishment of any CE.

3. We believe the proposed guidance document is inconsistent with efforts to protect and enhance national security by increasing domestic energy production and reducing dependency of foreign fuel. It conflicts with the intent of Executive Order 13212, *Actions to Expedite Energy-Related Projects*, by failing to expedite projects that will increase the production, transmission, or conservation of energy.

4. Finally, we support the comments submitted by Independent Petroleum Association of America and the Domestic Petroleum Council that express concerns on this issue.

Again, we appreciate the opportunity to provide input into this process. Thank you in advance for your consideration.

Sincerely,

Angie Burckhalter
V.P., Regulatory Affairs